

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONNA MILTENBERGER,)
) CASE NO. C12-1441-TSZ-MAT
Plaintiff,)
)
v.)
) REPORT AND RECOMMENDATION
CAROLYN W. COLVIN, Acting)
Commissioner of Social Security,¹)
)
Defendant.)
_____)

Plaintiff brought this action to seek judicial review of the denial of her application for Disability Insurance Benefits by the Commissioner of the Social Security Administration. The parties have now stipulated that this case should be reversed and remanded. (Dkt. 18.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The parties stipulate that, on remand, the Administrative Law Judge (ALJ)

¹ On February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. Therefore, pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Commissioner Michael J. Astrue as the defendant in this suit.

01 will: (1) reconsider the medical opinions of record, including the opinion of John C. Anigbogu,
02 M.D., and articulate the weight given to each; (2) reassess plaintiff's credibility per Social
03 Security Ruling (SSR) 96-7p; (3) reevaluate plaintiff's residual functional capacity; and (4)
04 reassess steps four and five of the sequential evaluation process as needed, including, if
05 necessary, the assistance of a vocational expert per SSR 00-4p. The parties further agree that
06 the ALJ will offer plaintiff an opportunity for a hearing, that plaintiff may present new
07 arguments and further medical evidence, if such evidence becomes available, and that those
08 aspects of the ALJ's prior decision not specifically addressed herein are not affirmed. Upon
09 proper presentation, the Court will consider plaintiff's application for attorney's fees and
10 expenses under 28 U.S.C. § 2412(d), and costs under 28 U.S.C. § 1920.

11 Given the above, the Court recommends that United States District Judge Thomas S.
12 Zilly immediately approve this Report and Recommendation and order the case REVERSED
13 and REMANDED for further administrative proceedings pursuant to sentence four of 42
14 U.S.C. § 405(g). A proposed order accompanies this Report and Recommendation.

15 DATED this 25th day of February, 2013.

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18 Mary Alice Theiler
19 United States Magistrate Judge
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